

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 36412 of 2015 (B)

PETITIONER :

**G. SURENDRAN, AGED 56 YEARS,
GOVERNMENT CONTRACTOR, PLAVARTHALA PUTHEN VEEDU,
(ST. MARY'S BUILDINGS), KANNARAVILA NELLIMOODU P.O.,
THIRUVANANTHAPURAM.**

BY ADV. SRI.AJITH KRISHNAN

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. KERALA STATE RURAL ROAD DEVELOPMENT AGENCY
GOVERNMENT OF KERALA,
REPRESENTED BY COMMISSIONER/MEMBER SECRETARY,
SWARAJ BHAVAN, KANAKA NAGAR, NANTHENTHODE,
THIRUVANANTHAPURAM - 695 003.**
- 3. THE CHIEF ENGINEER & ADDITIONAL CHIEF EXECUTIVE OFFICER,
KERALA STATE RURAL DEVELOPMENT AGENCY, TC 28/885
CSI BUILDING, PULIMOODU, THIRUVANANTHAPURAM - 01.**
- 4. THE EMPOWERED OFFICER
KERALA STATE RURAL DEVELOPMENT AGENCY, T.C 28/885
CSI BUILDING, PULIMOODU, THIRUVANANTHAPURAM - 01.**
- 5. THE SUPERINTENDENT ENGINEER
KERALA STATE RURAL DEVELOPMENT AGENCY, T.C 28/885
CSI BUILDING, PULIMOODU, THIRUVANANTHAPURAM - 01.**
- 6. THE EXECUTIVE ENGINEER
PROGRAMME IMPLEMENTATION UNIT (PMGSY)
DISTRICT PANCHAYATH OFFICE COMPOUND, PATTOM
THIRUVANANTHAPURAM - 01.**

BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: - TRUE COPY OF THE LETTER NO. A6-1214/07/PIU DT. 03.7.2015 ISSUED BY THE 6TH RESPONDENT TO 2ND RESPONDENT REGARDING THE RETENTION AMOUNT OF RS. 7,94,146/- IN RESPECT OF THE 1ST WORK.
- P2: - TRUE COPY OF THE LETTER NO. A6-1214/07/PIU DT. 03.7.2015 ISSUED BY THE 6TH RESPONDENT TO 2ND RESPONDENT REGARDING THE RETENTION AMOUNT OF RS. 7,21,852/- IN RESPECT OF THE 2ND WORK.
- P3: - TRUE COPY OF THE LETTER NO. A6-1214/07/PIU DT. 03.7.2015 ISSUED BY THE 6TH RESPONDENT TO 2ND RESPONDENT REGARDING THE RETENTION AMOUNT OF RS.4,11,296/- IN RESPECT OF THE 3RD WORK.
- P4:- TRUE COPY OF THE LETTER NO. A6-1214/07/PIU DT.07.10.2015 ISSUED BY THE 6TH RESPONDENT TO 2ND RESPONDENT REGARDING THE FINAL BILL AMOUNT OF RS. 24,27,458/- IN RESPECT OF THE 4TH WORK.
- P5: - TRUE COPY OF THE LETTER NO. A6-1214/07/PIU DT.29.07.2015 ISSUED BY THE 6TH RESPONDENT TO 2ND RESPONDENT REGARDING THE FINAL BILL AMOUNT OF RS. 22,56,849/- IN RESPECT OF THE 5TH WORK.
- P6: - TRUE COPY OF THE LETTER NO. A6-1214/07/PIU DT. 29.07.2015 ISSUED BY THE 6TH RESPONDENT TO 2ND RESPONDENT.
- P7: - TRUE COPY OF THE LETTER NO. A6-1214/07/PIU DT. 24.08.2015 REGARDING THE PART BILL AMOUNT OF RS. 55,21,786/- IN RESPECT OF 7TH WORK.
- P8: - TRUE COPY OF THE LETTER NO. A6-1214/07/PIU DT. 15.10.2015 ISSUED BY THE 6TH RESPONDENT TO 2ND RESPONDENT REGARDING THE PART BILL AMOUNT OF RS.32,39,130/- IN RESPECT OF 8TH WORK.
- P9: - RUE COPY OF THE RELEVANT PAGE OF STANDARD BIDDING DOCUMENT OF PMGSY SHOWING STIPULATION REGARDING THE PAYMENT OF BILL AMOUNT AS CONTAINED IN THE CLAUSE NO. 39.1.
- P10: - TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A. MUHAMED MUSTAQUE, J.

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Dated this the 16th day of December, 2015

J U D G M E N T

The petitioner has approached this Court seeking a direction to the respondents to release the bill amount in respect of the work covered by Exts.P1 to P8. The petitioner alleges that as per Exts.P1 to P8, the Executive Engineer has recommended release of the amount. The petitioner further points out that the Central Government has already released funds for the construction and maintenance of rural roads, and therefore, there is no impediment in releasing the said amounts.

2. The petitioner has already submitted representation before the 1st respondent as evidenced by Ext.P10. This Court is of the view that the respondents can be directed to take appropriate decision on Ext.P10 based on Exts.P1 to P8.

Therefore, the respondents are directed to take

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appropriate decision on Ext.P10 based on Exts.P1 to P8, within a period of three weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bka/17.12.2015